

Senate File 2164 - Enrolled

Senate File 2164

AN ACT

RELATING TO THE EXPUNGEMENT OF CRIMINAL OFFENSES FOR ALCOHOL
CONSUMPTION IN PUBLIC, PUBLIC INTOXICATION, SIMULATED PUBLIC
INTOXICATION, OR SIMILAR LOCAL ORDINANCES, OR WHEN A FINDING
OF CONTEMPT HAS BEEN ENTERED, AND INCLUDING APPLICABILITY
PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 123.46, subsection 6, Code 2016, is
amended to read as follows:

6. Upon the expiration of two years following conviction

for a violation of this section and a violation of a local ordinance that arose from the same transaction or occurrence, a person may petition the court to expunge the conviction including the conviction for a violation of a local ordinance that arose from the same transaction or occurrence, and if the person has had no other criminal convictions, other than local traffic violations or simple misdemeanor violations of chapter 321 during the two-year period, the conviction and the conviction for a violation of a local ordinance that arose from the same transaction or occurrence shall be expunged as a matter of law. The court shall enter an order that the record of the conviction and the conviction for a violation of a local ordinance that arose from the same transaction or occurrence be expunged by the clerk of the district court. Notwithstanding section 692.2, after receipt of notice from the clerk of the district court that a record of conviction and the conviction for a violation of a local ordinance that arose from the same transaction or occurrence has been expunged, the record of conviction and the conviction for a violation of a local ordinance that arose from the same transaction or occurrence shall be removed from the criminal history data files maintained by the department of public safety if such a record was maintained in the criminal history data files.

Sec. 2. Section 907.9, subsection 4, paragraphs d and e, Code 2016, are amended to read as follows:

d. A count or related charge that was dismissed shall not be expunged pursuant to paragraph "c" in any case in which a count or charge resulted in a conviction, not including a finding of contempt, that was not expunged.

e. The provisions of paragraph "c" apply whether the deferred judgment was expunged prior to July 1, 2012, or on or after July 1, 2012. The provisions of paragraph "d" apply whether the deferred judgment was expunged prior to the effective date of this Act, or on or after the effective date of this Act.

Sec. 3. APPLICABILITY AND IMPLEMENTATION. The judicial branch shall have until July 1, 2017, to implement the

amendment to section 907.9 in this Act relating to the expungement of the court's record of a dismissed count or related charge and a finding of contempt.

PAM JOCHUM
President of the Senate

LINDA UPMEYER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2164, Eighty-sixth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2016

TERRY E. BRANSTAD
Governor